

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper 33

Filed by: Trial Section Merits Panel  
Board of Patent Appeals and Interferences  
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

EXXONMOBIL CHEMICAL PATENTS INC.,  
Junior Party,  
(U.S. Application No. 09/080,412),

v.

CHEVRON PHILLIPS CHEMICAL COMPANY LP,  
Senior Party,  
(U.S. Patent No. 6,239,235).

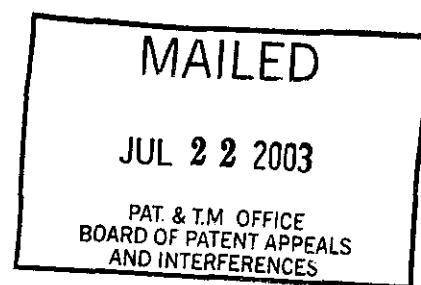
Patent Interference No. 105,043 (MPT)

Before: MEDLEY, TIERNEY and NAGUMO, Administrative Patent Judges.

TIERNEY, Administrative Patent Judge.

**FINAL JUDGMENT**

Chevron has filed a copy of an assignment demonstrating that Exxon's involved application, 09/080,412 ("412 application"), has been assigned to Chevron. (Notice of Assignment, Paper No. 27). As Chevron is the real party in interest for the involved application



and patent, Chevron was Ordered to Show Cause by July 14, 2003 (Paper Nos. 29 and 31) why this interference should be maintained. 37 C.F.R. §§1.602(a) and 1.640(d).

Chevron has responded to the Order to Show Cause by expressly abandoning the involved '412 application. In light of the express abandonment of the '412 application, adverse judgment is entered against the '412 application. 37 C.F.R. §1.662.

Upon consideration of the record, it is:

**ORDERED** that judgment on priority as to Count 1 (Notice Declaring Interference, Paper No. 1), the sole count in the interference, is awarded *against* the '412 application.

**FURTHER ORDERED** that Chevron Phillips, as assignee of the '412 application, is not entitled to a patent containing claims 21-32 of the '412 application, as these claims correspond to Count 1.


**FURTHER ORDERED** that a copy of this final decision shall be placed and given a paper number in the file of Chevron's U.S. Patent No. 6,239,235 and U.S. Application 09/080,412.

**FURTHER ORDERED** that if there is a settlement agreement, attention is directed to

35 U.S.C. § 135(c) and 37 C.F.R § 1.661.

*Sally Medley*  
SALLY MEDLEY  
Administrative Patent Judge

  
MICHAEL P. TIERNEY  
Administrative Patent Judge

  
MARK NAGUMO  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS  
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INTERFERENCES

cc: (via facsimile)

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